

**REMARKS**

Claims 1-19 are pending in this application.

Claims 1-2, 7, 9-10, and 15 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over conventional art disclosed in the specification (similar to JP 10240774). Claims 3-6, 8, 11-14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the disclosed conventional art. Applicants respectfully traverse these rejections, and request allowance thereof in the pending application for the following reasons.

**The Claims are Patentable Over the Cited References**

**Claims 1-2, 7, 9-10, and 15 are not anticipated by the disclosed conventional art**

Claims 1-2, 7, 9-10, and 15 stand rejected under § 102(b) in view of the disclosed conventional art. It appears that the Action has erroneously extended Applicants' admission of prior art to FIG. 32. Applicants only admit to JP 10-240774 being prior art which covers FIGs. 28-30 as indicated in the related portions of the specification (page 1, line 17 to page 5, line 11). Applicants strongly contend that FIG. 32 is not prior art as FIG. 32 is simply an illustration of the problems solved by the claimed invention in accordance with MPEP § 608.01(c). Instead, FIG. 32 and the related

portions of the specification are indeed part of applicants' invention as they illustrate the problems solved by the claimed invention (see page 5, line 12 to page 6, line 13). FIG. 32 is part of applicants' inventive concept and reduction to practice of the claimed invention and should not be viewed as prior art. Furthermore, no portion of the macro elements appearing in FIG. 32 (131, 132, 141, 142) are illustrated in JP 10 10-240774 and therefore clearly do not constitute prior art to the claimed invention.

Therefore, FIG. 32 does not constitute prior art, and JP 10-240774 fails to disclose a macro event data creation unit as recited making the claimed invention patentably distinct from the cited reference.

**Claims 3-6, 8, 11-14, and 16 are not made obvious by the disclosed conventional art**

Claims 3-6, 8, 11-14, and 16 stand rejected under § 103(a) in view of the disclosed conventional art. As contended above, FIG. 32 does not constitute prior art and JP 10-240774 fails to disclose a macro event data creation unit as recited making the claimed invention patentably distinct from the cited reference.

**Response to Restriction Requirement**

In response to the restriction requirement and withdrawal of new claims 17-19, Applicants strongly contend that the required prima facie showing of independent or distinct invention has not been shown. See MPEP § 803. Firstly, the Action has not clarified whether the restriction requirement is being classified as independent or distinct. Secondly, in accordance with § 803, if a search and examination of the entire application can be made without serious burden, then the entire application must be examined on its merits despite any presence of independent or distinct invention. This serious burden has not been shown by appropriate explanation as required.

Therefore, in the absence of a prima facie showing of independent or distinct inventions and a serious burden of examination, Applicants strongly contend that the restriction requirement be withdrawn as directed to new Claims 17-19.

**Conclusion**

In view of the amendments and remarks submitted above, it is

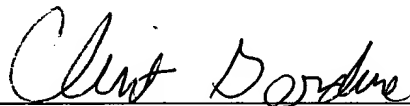
respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Clint Gerdine (Reg. No. 41,035) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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